



**STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE
PRE-ELECTION ASSESSMENT MISSION TO THE PALESTINIAN PRESIDENTIAL ELECTIONS**

Jerusalem, 22 December 2004

This statement has been prepared by a pre-election assessment team organized by the National Democratic Institute (NDI) in partnership with The Carter Center (TCC). The delegation examined technical preparations and the political environment leading up to the presidential election in the West Bank and Gaza, currently scheduled for Sunday, 9 January 2005. From 13-20 December 2004, the delegation conducted a series of meetings with electoral authorities, campaign representatives, Palestinian and Israeli governmental officials, representatives of domestic and international monitoring organizations, political party and civic leaders, and representatives of the international community.

The delegation included: Leslie Campbell, NDI Senior Associate and Director of Middle East and North Africa programs; Jennifer Collins-Foley, an election administration and voter education expert; Joseph Hall, NDI Senior Regional Representative for Middle East and North Africa programs; Matthew Hodes, TCC Director of Conflict Resolution programs; Audrey McLaughlin, former leader of the New Democratic Party in Canada and NDI Senior Program Director in Morocco; and, Shannon O'Connell, a specialist in campaigns, elections and political party development and Director of NDI's programs in the West Bank and Gaza Strip. In addition to the delegation's combined expertise in political development, election administration and voter education, the delegation's members have participated collectively in more than 40 electoral and political assessments around the world, including several in the Middle East and North Africa.

This pre-election assessment is part of a comprehensive international observation effort for the 9 January presidential election being organized by NDI, in partnership with TCC. The purpose of this initiative is to assist in the development of viable democratic institutions that will enable Palestinians to choose their leaders and representatives freely. Observation of the presidential elections will build on NDI's international monitoring of the recent voter registration process conducted in the West Bank and Gaza. A preliminary statement of NDI's findings from voter registration was released on 7 October 2004. In addition to placing long term observers in the West Bank and Gaza in late December, the Institute is organizing an international observation delegation for the January 9 election in partnership with TCC.

Summary of Observations

The Political Context

The delegation found a remarkable degree of consensus among Palestinian political leaders, civil society activists and political observers. The January 2005 election to choose the next President of the Palestinian Authority (PA) succeeding President Yasser Arafat, is almost universally regarded as a key opportunity to start a new era in Palestinian politics and to initiate needed reforms in Palestinian governance.

Although the presidential election is an opportunity welcomed by most Palestinians, they also recognize that it is a limited exercise with respect to ongoing democratic institutional development in the Palestinian territories. The truncated official campaign period - 15 days - provides little time for new political leadership to emerge and is a serious impediment to little-known political contestants. Name recognition and access to resources by better-known candidates may play a disproportionate role in determining the winner of the January 2005 contest. Political party activity and voter education, both key elements of an ongoing democratization process, will not reach the level that might be expected in a presidential race.

These potential shortcomings result from following a legal mandate to call an election within 60 days of the death of the president and should not necessarily be viewed as hampering the conduct of a legitimate election. In fact, the final list of seven candidates for president of the PA contains the names of several respected and viable political leaders, who, under fair conditions, should provide Palestinians with real political alternatives on election day.

The work of the Central Election Commission (CEC) in anticipation of local elections in 2004 and 2005 – both in the preparation of a new voter list and in training and deploying election workers – has been well integrated into presidential election preparations. The CEC enjoys high confidence levels among the people interviewed by the delegation, and most election competitors express satisfaction with technical election preparations. The Institute and other observers have noted that the CEC is recognized for having established an ability to withstand political pressure - a quality that is requisite for an independent commission.

Israel has committed to facilitating the process of Palestinian elections, and, indeed, officials express the willingness to expend considerable time and effort in ensuring a smooth process in the areas under Israeli military control. It would appear that a number of meetings are taking place between Palestinians and Israelis to negotiate the details of cooperation. Palestinian and Israeli officials have acknowledged that agreements concerning election modalities, for example on freedom of movement or on voting in East Jerusalem, are being or have been negotiated. The delegation notes, however, that the details of agreements concerning these key issues, if they exist, are unknown to most political parties. The lack of such information at this late date may lead to voter confusion

and uncertainty, in addition to necessitating unduly hurried implementation of such agreements, if and when they are finalized.

The Palestinian Central Election Commission, the Palestinian Authority and the Government of Israel have all pledged to welcome and support the work of accredited international election observers. The NDI pre-election delegation was welcomed and assisted by the entities listed above and anticipates full cooperation in its work leading up to and on election day.

While the political context surrounding the 2005 Palestinian presidential election is generally positive – particularly in light of an ongoing atmosphere of conflict and uncertainty – there are a number of fundamental problems that remain unresolved as of this writing. The main issues of concern are the following:

Freedom of Movement

Freedom of movement for election officials needing to provide materials and training to poll workers, for candidates and campaign workers needing to attend meetings and campaign events and, ultimately, for voters to cast their ballots, is a significant unresolved issue. At present, many Palestinian towns and cities throughout the West Bank and Gaza are under military occupation and curfew. Since the beginning of the second *intifada*, movement in between villages, towns and cities in the West Bank and Gaza has been severely restricted.

Restricted movement has implications for a successful election process. If election officials cannot deliver the materials and training to each polling station and poll worker, the franchise of certain voters may be compromised. If candidates and political party officials are not free to reach out to and communicate directly with voters, an opportunity to strengthen the relationship between citizen and elected leadership – important in both the short and long term – may be lost. Candidates who do not already have substantial political support may be at a disadvantage if their travel is restricted.

Israeli and Palestinian officials have stated in the press that there exists an agreement that will allow freedom of movement for political candidates and their assistants and elections workers. They have further stated that Palestinian voters will enjoy freedom of movement in the 72 hours surrounding election day. The details of this reported agreement have not been publicized widely or printed, nor does it appear that any such agreement is being fully implemented at the Israeli checkpoint level at this time.

Election Preparations and Freedom of Movement in Gaza

Electoral preparations in Gaza are taking place under extraordinarily difficult conditions. In recent days, armed clashes, checkpoints and road closures have complicated the logistical tasks of transporting election materials and training staff. Election officials have not been able to complete their preparations in all polling centers, particularly those south of the Abu Holi checkpoint, because of restrictions on movement. If such access is not

granted without delay, a deadline may soon be reached which makes preparations for the necessary technical aspects of a democratic election extraordinarily difficult, if not impossible. As of this writing, there were seven areas in Gaza where election supplies could not be delivered, and a training of election supervisors in Gaza scheduled to take place last week was delayed because training materials could not be delivered. The CEC Director in Gaza was reportedly not permitted to leave Rafah for five days.

Voting in Jerusalem

The political status of the city of Jerusalem remains an unresolved issue, as does the right of Palestinian residents of the city to participate in elections for Palestinian governing authorities. During the recent voter registration process, there was no formal agreement between Israel and the Palestinians regarding registration for Jerusalemites, and the centers in East Jerusalem were shut down within 10 days of opening by Israeli authorities.

Public statements by Israeli and Palestinian officials have referenced a replication of the agreement made for voting in Jerusalem in 1996, in which Palestinians voted in five post offices throughout the city. The Israeli government considered this a form of absentee voting; the Palestinian authorities considered it voting in polling stations that happened to be post offices. However, as of this writing, the CEC and political parties have not received the details of any formal agreement to implement.

In the 1996 elections, areas in East Jerusalem had the lowest turnout of all electoral districts for a number of reasons, including concerns of Jerusalemites about the potential loss of certain benefits if they were to participate in voting. Public assurances that Palestinian residents of Jerusalem will not face any negative consequences for exercising their right to vote may help increase voter turnout.

The CEC estimates that the total number of possible Palestinian voters in Jerusalem may exceed 200,000. Some of the five post offices used in 1996 could accommodate the presence of only six voters at one time, and that calculation does not take into consideration observers and the media who will undoubtedly pay special attention to these centers. Consideration should be given to increasing the number of voting centers in Jerusalem.

The Voter Registry and Technical Preparations

In September and October 2004, the CEC conducted a technically sound voter registration process, which was monitored by an NDI international observation mission. Following Yasser Arafat's death and the announcement that a presidential election was to be held, the CEC reopened voter registration on 24 November to accommodate voters who had not registered, but who would like to vote in the presidential elections.

The CEC was established in 2002 as a new, independent electoral commission. The CEC decided to create an entirely new voter list, rather than simply use the civil registry,

because of concerns and accusations of voter fraud in the 1996 elections and questions over the quality of the registry.

Currently, the main issue of contention regarding the voter list is an amendment to the election law recently passed by the Palestinian Legislative Council (PLC) requiring the CEC to “complement” its voter registration list with the civil registry. Without adding the names on the civil registry, the voter list included an estimated 72 percent of eligible Palestinian voters. In a statement released on 7 October, NDI found the recent voter registration process to have been conducted at a high level of technical proficiency. It is unclear why the PLC would insist on the use the civil registry, the quality of which is in dispute, when a new voter registry has recently been created in a technically sound process.

This decision by the PLC has led to a situation that is potentially confusing for voters as they will now travel to different polling stations according to the list on which they appear. The CEC intends to create separate polling stations (62 throughout the West Bank and Gaza) for those who are only on the civil registry. Voters who recently registered with the CEC must return to the site where they registered to vote, which will be transformed into “regular” polling stations. Voters who are on the civil registry but not on the official voters list must identify and travel to “special” voting centers, according to their first name. Those who appear neither on the civil registry nor on the CEC voter list will not be allowed to vote. There is also a possibility of people being on both lists, so the CEC is now planning to mark every voter with indelible ink – a system used successfully around the world to avoid multiple voting.

Although the quality of the civil registry is in dispute, therefore calling into question the real number of eligible voters present on that list, regular polling stations would then service an average of 438 per station, while special polling stations would service an average of 1,328 voters per station, according to recent estimates of both populations. If turnout is high, there is the potential for long lines at special polling stations.

Voter Education, Communication and Domestic Election Observation

To date, voters have received limited information on the new system for voting. Additionally, agreements on freedom of movement and voting in East Jerusalem referenced by Palestinian and Israeli officials, have not been detailed to the public, nor have Palestinian and Israeli officials yet made sufficient efforts to reassure the Palestinian public that such agreements will be faithfully implemented. In an information vacuum, Palestinian political parties and voters may not have the confidence to campaign and vote in the numbers they might in other circumstances.

The death of Yasser Arafat and the short election preparation time seems to have limited the scope and depth of voter education activities. Anecdotal information suggests that Palestinians are largely unaware of the details of the presidential vote, and know little about most of the candidates running. This situation may well be remedied during the official campaign period but it is an issue that bears further attention.

Palestinian non-governmental organizations are organizing a domestic election observation exercise. The CEC reports that as many as 10,000 domestic monitors are expected to register to observe the presidential election. Despite this admirable level of activity, it is unclear whether a comprehensive voter education campaign will be part of these efforts.

Recommendations

- 1) *Freedom of Movement*: The ability of election officials, candidates, campaign teams and political party officials to move freely throughout the West Bank and Gaza will have a profound affect on the quality of the campaign and the election itself. As noted in this statement, Israeli officials have stated their willingness to facilitate the requirements of these elections. To this end, NDI recommends that election officials and workers receive full freedom of movement and access to all necessary areas immediately.

Additionally, candidates for the presidency, their campaign staff and political party officials should receive the same facilitation of movement as soon as possible, and certainly no later than the start of the official campaign period.

Also, all voters must have full freedom of movement from at least 8 – 10 January for the purposes of reaching voting centers. The election law requires citizens to register and vote where they live for national elections, which will undoubtedly require travel for some. Additionally, many voters on the civil registry will have to go to special voting centers, which are less numerous than regular voting centers and therefore less conveniently located.

- 2) *Jerusalem*: Time is running out to reach an agreement on voting in Jerusalem that could be implemented in time for election day, both in terms of the meeting technical requirements for operating an election and fully informing voters of the systems in place for voting.

Jerusalemites need explicit reassurances from Israeli and Palestinian officials that exercising their voting rights in the January elections will not lead to sanctions in any form. NDI recommends that any agreement reached include specific protections and guarantees that voters in East Jerusalem will not suffer any consequences as a result of participating in these elections. On election day, a judicious deployment of Israeli security forces around polling stations will serve as an important confidence building measure that these guarantees are genuine.

Additionally, NDI recommends that any agreement reached should expand the number of locations used for purposes of voting. The Institute also recommends that special consideration be given to the training of poll workers, who are postal workers rather than CEC employees, and the transportation of ballots.

- 3) *Voter Education and Communication*: Recent amendments to the election law and the CEC's plans for incorporating the new regulations into this election, have led to a complicated system for voting on election day. Voters who recently registered with the CEC must return to the site where they registered to vote, while those only on the civil registry must vote in separate polling stations. This new and potentially confusing system requires an aggressive voter education campaign to ensure that voters are fully aware of these arrangements on election day and to avoid disenfranchisement of voters and potential chaos at polling stations.

NDI recommends that Palestinian civil society organizations, the Central Election Commission and all relevant Palestinian authorities work together to organize a comprehensive and appropriate voter education effort to insure that all voters are fully informed of the processes in place for these elections. This would include public distribution of the details of any and all agreements reached between Israeli and Palestinian officials on these elections, including freedom of movement and arrangements for Jerusalem. The details of such agreements should be publicized immediately upon completion, so that voters are fully aware of all procedures in place and the CEC can move quickly to implement them.

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